

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

HOMELAND INSURANCE COMPANY OF
NEW YORK,

Plaintiff,

v.

CLINICAL PATHOLOGY
LABORATORIES, INC., AND SONIC
HEALTHCARE USA, INC.,

Defendants.

CIVIL ACTION NO.: 1-20-cv-783

**UNOPPOSED AND AGREED MOTION TO EXTEND CERTAIN DEADLINES
SET IN THE AMENDED AGREED SCHEDULING ORDER**

Plaintiff Homeland Insurance Company of New York (“Homeland”), and Defendants Clinical Pathology Laboratories, Inc. and Sonic Healthcare USA, Inc. (collectively, “Defendants,” and with Homeland, the “Parties”), jointly move this Court for the following modest extensions of two deadlines in the Amended Agreed Scheduling Order [Dkt. 98]:

- a one-month extension of the discovery deadline (from September 30, 2022, to October 28, 2022), and
- consistent with the Court’s directive based on the trial date of February 27, 2023, an eighteen-day extension of the deadline to file dispositive motions (from October 28, 2022, to November 15, 2022). *See infra* ¶ 5.

The Parties move the Court for the above modest extensions due to the following circumstances:

1. Homeland filed this action on July 24, 2020 [Dkt. 1].
2. On May 19, 2021, the Court entered an Agreed Scheduling Order submitted by the Parties [Dkt. 32].

3. On September 28, 2021, the Court entered an Amended Agreed Scheduling Order submitted by the Parties [Dkt. 59].

4. On February 10, 2022, the Parties jointly moved the Court to extend the deadlines in the operative scheduling order by five months because one of the lead attorneys in the matter was diagnosed with a serious medical condition requiring surgery and significant medical leave [Dkt. 97].

5. Prior to the filing of that joint motion [Dkt. 97], counsel conferred with Ms. Julie Golden, the Courtroom Deputy to the Honorable Robert Pitman, regarding available trial dates. Ms. Golden stated in an e-mail to counsel dated February 7, 2022, that February 27, 2023 was a viable trial date, and that if the Parties were to select that date, they should propose a dispositive motions deadline of no later than November 15, 2022.

6. On February 11, 2022, the Court entered an Amended Agreed Scheduling Order submitted by the Parties [Dkt. 98]. That order is the current operative scheduling order. It provides for trial to be held on February 27, 2023, and for a dispositive motions deadline of October 28, 2022 [Dkt. 98].

7. Since the entry of the Amended Agreed Scheduling Order [Dkt. 98], two lead attorneys—one for Plaintiff and one for Defendants—have welcomed new children into their families.

8. One of those lead attorneys will be out on parental leave from August 1, 2022, to September 12, 2022.

9. In light of this attorney's leave and significant involvement in this matter, the Parties have met and conferred regarding the deadlines in the Amended Agreed Scheduling Order [Dkt. 98] and have agreed that it would be prudent to modestly extend the fact discovery deadline

and the deadline for the filing of dispositive motions. The agreed-upon extensions are reflected in the proposed order filed with this motion.

10. Specifically, counsel for the Parties agree it would be prudent to extend the deadlines as follows:

- a one-month extension of the discovery deadline (from September 30, 2022, to October 28, 2022), and
- consistent with the Court's directive based on the trial date of February 27, 2023 (*see supra* ¶ 5), an eighteen-day extension of the deadline to file dispositive motions (from October 28, 2022, to November 15, 2022).

11. Counsel for the Parties agree that all other deadlines in the Amended Agreed Scheduling Order [Dkt. 98] should remain unchanged.

12. The above agreed proposed extensions are reflected in the proposed order filed with this motion.

* * *

Dated: July 29, 2022

Respectfully and jointly submitted,

By: /s/ John T. Brooks

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I hereby certify that, consistent with Local Rule CV-7(i), counsel for Defendants and counsel for Plaintiff conferred by telephone and e-mail regarding this motion prior to its filing. As reflected in the motion, both Parties agree to and approve of the filing of this unopposed and agreed motion.

/s/ Greg Van Houten
Greg Van Houten

CERTIFICATE OF SERVICE

I hereby certify that, consistent with Local Court Rule CV-5, a true and correct copy of the foregoing was sent to all Parties of record pursuant to the Electronic Filing Procedures and the Federal Rules of Civil Procedure on this 27th day of July 2022.

/s/ Greg Van Houten
Greg Van Houten